

Remarks

Reconsideration of this Application is respectfully requested.

The Examiner has allowed claims 34 to 44. Claim 27 is sought to be amended, claims 28 and 29 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein and new claims 45-52 are sought to be added. Upon entry of the foregoing amendment, claims 27 and 30-52 are pending in the application, with 27, 34, 39 and 45 being the independent claims. Support for the amendment to claim 27 and for new claims 45-52 can be found in the originally filed claims and throughout the specification. *See, e.g.*, page 15, lines 16-21; page 17, lines 23-24; page 9, line 24 to page 10, line 12; page 10, line 23 to page 11, line 7; page 15, lines 16-21; page 20, lines 23-27; Examples 1 and 2, beginning on page 24; and claims 1-7, 11, 14, 18 and 22 as originally filed.

These changes are believed to introduce no new matter, and their entry is respectfully requested. In addition, it is believed that these amendments adopt the Examiner's suggestions, put the case in condition for allowance or in better form for consideration on appeal.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Allowed Claims

Applicants thank the Examiner for indicating the allowance of claims 34 to 44.

Rejections under 35 U.S.C. § 112, Second Paragraph

Applicants thank the Examiner for the withdrawal of the rejection claim 25 under 35 U.S.C. § 112, second paragraph, in view of Applicants' amendment. (See Advisory Action, page 2, ¶ 1.)

Rejections under 35 U.S.C. § 112, First Paragraph

The Examiner maintained the rejection of claims 27 and 30 to 33 under 35 U.S.C. § 112, first paragraph, as allegedly "lacking enablement commensurate in scope with the claims." (Advisory Action, page 2, ¶ 2.) The Examiner further indicated that "[c]laims 28 and 29 would be objected to as depending from a rejected base claim but would be allowable as independent claims, since there is sufficient guidance in the prior art for one of skill to identify interferons and interleukins that could be used to treat inflammation." (Advisory Action, page 2, ¶ 2.)

Applicants respectfully traverse this rejection. Nevertheless, solely in an effort to expedite allowance of the remaining claims and in accordance with the Examiner's suggestion, Applicants have amended independent claim 27 to incorporate the limitations of cancelled claim 28 and have added new claim 45, which is cancelled claim 29 in independent form. Accordingly, Applicants submit that the rejection under 35 U.S.C. § 112, first paragraph, has been rendered moot.

Rejections under 35 U.S.C. § 103

The Examiner maintained the rejection of claims 27 and 30-33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over PCT Publication No. WO 91/08291. (*See* Advisory Action, page 2, ¶ 3.) It is the Examiner's position that

these claims are unpatentable over WO 91/08291 because they encompass methods using TGF-beta molecules complexed with the latency-associated peptide of other TGF-beta molecules. Applicant's arguments with respect to other cytokine are not therefore not [sic] pertinent.

(Advisory Action, page 2, ¶ 3.) Applicants respectfully traverse this rejection as it may apply to the present claims.

Solely in an effort to expedite allowance of the present claims, independent claim 27 has been amended to incorporate the limitations of allowed claim 28, and new claim 45 incorporates the limitations of allowed claim 29. Claims 30-33 and 45-52, which depend either directly or indirectly from claims 27 or 45, are therefore likewise allowable. Accordingly, Applicants respectfully request that the rejection of under 35 U.S.C. § 103(a), be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the

outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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